

Amendment No. 1 to SB2896

Roberts
Signature of Sponsor

AMEND Senate Bill No. 2896

House Bill No. 2721*

by deleting all language after the caption and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 10, Chapter 3, is amended by adding the following as a new section:

10-3-109.

(a) As used in this section:

(1) "Age-inappropriate sexual material" means any description or representation, in any form, of nudity, sexuality, sexual conduct, sexual excitement, or sadomasochistic abuse, that:

(A) Taken as a whole, appeals to the prurient interest of minors;

(B) Is patently offensive to prevailing standards in the adult community with respect to what is appropriate material for minors; and

(C) Taken as a whole, lacks serious literary, artistic, political, or scientific value for minors;

(2) "Board" means a library board established under § 10-3-103; and

(3) "Public library" means any library that receives state or local funds under this chapter and that provides public access to age-inappropriate sexual material.

(b)

(1) Any person interested in being a presenter at a public library must apply to the board by submitting all sexual material to be presented at the public library to the board at least thirty (30) days prior to the scheduled presentation.

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(2) Upon the receipt of material from the presenter as prescribed in subdivision (b)(1), the board shall determine whether the material is age-inappropriate sexual material and either approve or deny the application.

(3) Any determination made by the board under subdivision (b)(2) is the final determination on such materials, and shall not be subject to any review by the state or any political subdivision thereof. This subdivision (b)(1) does not prohibit judicial review of any determination made by the board under this subsection (b).

(c) Each public library shall, on or before June 30 of each year, verify compliance with this section on any form created by the board. After such compliance is verified, the library shall post the verification in a conspicuous place for public viewing at the library.

(d)

(1) Any public library personnel who intentionally fails to perform any duty imposed on a public library under this section, or who intentionally violates this section, commits a Class A misdemeanor, punishable by a fine only of not more than five hundred dollars (\$500).

(2) Any presenter of material at a public library who intentionally violates this section by presenting age-inappropriate sexual material in violation of the determination made by the board under subsection (b), commits a Class A

misdemeanor, punishable by a fine of not more than five hundred dollars (\$500) or a term of imprisonment, or both.

(e) A public library is ineligible for and shall not receive any state funds if the library fails to comply with any provision of this section.

SECTION 2. Tennessee Code Annotated, Section 10-3-104, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(b)

(1) Notwithstanding any rules and regulations made by a board under subsection (a) or any authority granted to a board, a board may require a national criminal background check for presenters of information and other library-related materials to minor children at public libraries. The background check must be completed before allowing the presenters to have any direct contact with minor children. The background check must be conducted by the Tennessee bureau of investigation or another appropriate law enforcement agency. A set of fingerprints must be supplied upon request and in the manner requested by the investigating agency.

(2) Any cost incurred by the Tennessee bureau of investigation, federal bureau of investigation, professional background screening organization, law enforcement agency, or other legally authorized entity in conducting the investigations of presenters shall be paid by the presenters. Payment for the cost of the criminal background check to the Tennessee bureau of investigation are to be made in accordance with §§ 38-6-103 and 38-6-109.

SECTION 3. This act shall take effect July 1, 2020, the public welfare requiring it.